

Gateway Determination

Planning proposal (Department Ref: PP-2024-927): to identify 'depots' as an additional permitted use with consent at Lot 5 DP 501046, Lots 7 and 8 DP 216403 and Lot 10 DP 1037066, 84, 86, 88, 90 and 92 Chinderah Bay Drive, Chinderah.

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tweed Local Environmental Plan 2014 to identify 'depots' as an additional permitted use with consent at Lot 5 DP 501046, Lots 7 and 8 DP 216403 and Lot 10 DP 1037066, 84, 86, 88, 90 and 92 Chinderah Bay Drive, Chinderah should proceed subject to the following Gateway conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within 9 months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - clarify in Part 1 and 2 of the planning proposal, that an amendment to the Additional Permitted Uses map is proposed;
 - include a proposed Additional Permitted Uses map that clearly identifies the proposed additional permitted use on the subject land;
 - correct the error in Part 10 that states that the planning proposal seeks to allow two new land uses on the subject site;
 - discuss consistency of the proposal with section 9.1 Ministerial Direction 4.2 Coastal Management and include the completed Appendix 1 checklist from the NSW Coastal Design Guideline;
 - correct references to the B4 Mixed Use Zone to MU1 Mixed Use; and
 - update the timeframe to reflect the Gateway determination completion date.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation Services (Flooding) under section 3.34(2)(d) of the Act. The Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation Services is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 27 May 2024



Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces